
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Michael A. Bacon,

Plaintiff,

v.

Jacob Barker, et al.

Defendants.

MEMORANDUM DECISION AND
ORDER

Case No. 2:21-cv-760 HCN DBP

Judge Howard C. Nielson, Jr.
Chief Magistrate Judge Dustin B. Pead

Pro se Plaintiff Michael A. Bacon filed a motion for an extension of 30 days to respond to the Court's Order to Show Cause directing Plaintiff to file a Second Amended Complaint. (ECF No. 43.) This is not the first extension request by Mr. Bacon in this case. The court previously granted a stay of approximately five months to allow Plaintiff additional time to prosecute this case. (ECF No. 28.)

Plaintiff also requests the Court send him a copy of his Amended Complaint filed January 28, 2022, (ECF No. 10.) and a "complete §1983 civil rights complaint for a pro se litigant the court wants me to use." (ECF No. 43 p. 1.) The court directs the Clerk's Office to mail a copy of Plaintiff's Amended Complaint, the Pro Se Litigant Guide, and a blank-form civil rights complaint Plaintiff must use if he wishes to pursue an amended complaint. The court, however, notes that Mr. Bacon is not a novice litigant. In *Bacon v. United States Marshalls Serv. et al.* case no. 2:21-cv-633 DBB, Mr. Bacon made a nearly identical request, and the Pro Se Litigant Guide along with a blank-form civil rights complaint were mailed to Plaintiff. Plaintiff also sought a 30-day extension in that §1983 action to file an amended complaint. In addition, this court has already dismissed another §1983 action brought by Plaintiff in *Bacon v. Marshall*, case no. 2:21-cv-701 HCN. A review of the Court's dockets reveals Mr. Bacon is a Plaintiff in several

other cases too. Thus, the court is not persuaded that Plaintiff is ignorant of the requirements to filing an adequate complaint. Should Plaintiff need a review of what is required he is directed to Judge Barlow's order filed on March 9, 2022, in case no. 2:21-cv-633, that provided detailed guidance for Plaintiff.

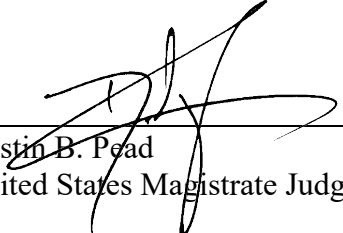
Accordingly, the court will grant Plaintiff an additional 30 days from the date of this order to file a second Amended Complaint. If Plaintiff fails to timely cure the deficiencies in his prior complaint as already set forth by the court, this action will be dismissed.

ORDER

Plaintiff's Motion to Show Cause and Request for Document Extension is GRANTED. Plaintiff shall have 30 days from the date of this order to file a Second Amended Complaint. The Clerk's Office is directed to mail Plaintiff a copy of his Amended Complaint (ECF No. 10.) and a copy of the Pro Se Litigant Guide with a blank-form civil rights complaint that Plaintiff is to use should he choose to file an amended complaint. A failure to timely cure the deficiencies in his prior complaint will result in dismissal.

IT IS SO ORDERED.

DATED this 23 May 2023.



Dustin B. Pead
United States Magistrate Judge